

REMARKS

Claims 1-62 and 79-125 are pending in the application. Claims 1-19, 41, 63-81 and 126-166 are canceled. Applicant has canceled these claims without prejudice, and reserves the right to pursue their subject matter in continuing applications. Proposed amendments are made to claims 20, 21, 42, 43, 82, 83 and 103. Support for these amendments can be found in the claims as filed.

The proposed amendments place the application in condition for allowance. It is submitted that no new matter has been introduced by the present amendments and entry of the same is respectfully requested. By the proposed amendments, Applicant does not acquiesce to the propriety of any of the Examiner's prior rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997).

Applicant notes with appreciation the withdrawal of the rejection of claims 1-38 and 41-60 as in conflict under 37 C.F.R. § 1.78(b) with claims 1-58 of Application No. 09/716,460, the rejection of claims 1-38, 41-60 and 79-125 under 35 U.S.C. §101 statutory double patenting over claims 1-58 of Application No. 09/716,460, and the rejection of claims 11, 12, 19-40, 42-62, and 82-125 under 35 U.S.C. § 112, ¶2.

The Examiner indicates that claims 20-40, 42-62, and 82-125 are objected to as being dependent upon claims that have been rejected, but would be allowable if rewritten in independent form. Office Action of September 21, 2005 at page 3. Accordingly, the proposed amendments to claims 20, 21, 42, 43, 82, 83 and 103 incorporate the limitations of the claims upon which they depend as indicated to make them allowable. Applicant has not proposed an amendment to independent claim 123 as it does not depend upon any other claims.

I. REJECTION UNDER 35 U.S.C. § 102(e)

The Examiner has maintained the rejection claims 1-19, 41, and 79-81 under 35 U.S.C. §102(e) as anticipated by United States Patent No. 6,769,127 ("Bonomi"). Office Action of 25 March 2005 at page 2. Without acquiescing to the propriety of the Examiner's rejections, and solely to expedite prosecution, the Applicant has canceled claims 1-19, 41 and 79-81. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 102(e).

CONCLUSION

Applicant has properly and fully addressed each of the Examiner's grounds for rejection. Applicant submits that the present application is now in condition for allowance. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

If there are any additional fees due in connection with the filing of this amendment, please charge the fees to undersigned's Deposit Account No. 50-1067. If any extensions or fees are not accounted for, such extension is requested and the associated fee should be charged to our deposit account.

Respectfully submitted,



Don J. Pelto
Reg. No. 33,754

17 October 2005

Preston Gates Ellis & Rouvelas Meeds, L.L.P.
1735 New York Avenue NW, Suite 500
Washington, DC 20006
Telephone: (202) 628-1700
Facsimile: (202) 331-1024